REMARKS

Claims 1-33 were pending and rejected.

Claims 1-10 and 12-32 have been amended. All amendments are entered to correct informalities, and/or to improve clarity of the claims. None of the amendments are entered to overcome prior art. No new matter has been introduced.

No claim has been cancelled, and no new claim has been added.

Accordingly, claims 1-33 remain pending.

In the Office action mailed November 16, 2005, claims 1 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Horstman (6,044,469) in view of the article by M2 Presswire. In response, Applicants respectfully traverse the Examiner's rejections.

35 U.S.C. 103(a) requires the Examiner to view Applicants' invention as a whole.

Claim 1 recites:

An apparatus comprising:

a tamper resistant digital content recovery module to recover protected digital contents of various types in an obfuscated manner;

a plurality of plain text digital content rendering modules communicatively coupled with each other in a hierarchical manner forming a hierarchy of modules, with selective combinations of the plain text digital rendering modules to be selectively employed to render the recovered digital contents of the various types, including one of the plain text digital content rendering modules occupying a root position of the hierarchy to exclusively receive the recovered digital contents to be rendered, from the tamper resistant digital content recovery module;

...

In accordance with Applicants' definitions of the various terms and the plain meaning of other undefined terms, claim 1, when viewed as a whole, is directed towards an apparatus for rendering protected digital contents. The apparatus includes the novel arrangement of employing a tamper resistant digital content recovery module to recover protected digital content of various types in an obfuscated manner, and a

hierarchy of plain text digital content rendering modules to render the recovered digital contents of various types, with a root one of the hierarchy to exclusively receive the recovered digital contents from the recovery module.

In rejecting claims 1 and 29, the Examiner asserted that Horstman's Protector Module (PM) 103 teaches the "tamper resistant digital content recovery module" recited in claims 1 and 29. Applicants respectfully disagree.

In Applicants' Specification, Applicants have defined "digital content" to mean "multi-media contents embodied in a digital form", page 2, lines 4-5.

In contrast, PM 103 is employed to "use any of a number of commonly used criteria" to determine whether an attempt to use an executable (to which PM 103 is "injected") should be allowed (col. 3, lines 44-46 of Horstman). When PM 103 is employed in a software binding protection scheme, PM 103 calculates a checksum for the license file, and compares the calculated checksum to a retrieved previously calculated and saved checksum (109 of Fig. 1 of Horstman) of the original license file (col. 4, lines 13-16 of Horstman). When PM 103 is employed in an application binding protection scheme, PM 103 calculates a checksum for the license file, and compares the calculated checksum to a retrieved previously calculated and saved checksum (201 of Fig. 2 of Horstman) of the license file at install time (col. 4, lines 47-55 of Horstman). When employed in a hardware binding protection scheme, PM 103 determines a current hardware configuration and compares the determined hardware configuration to a retrieved previously taken and saved snapshot of the targeted hardware system (Fig. 3 of Horstman) at install time (col. 4, lines 65-68 of Horstman). Neither the checksum of an original license file, the checksum of the license file at install time, nor the snapshot of a target system are considered "multi-media content" by one of ordinary skill in the art of digital media rendering. Therefore, PM 103 cannot be said to teach or suggest recovery of "digital content", as the term "digital content" is defined for the present application.

Further, nowhere can Applicants find any description in Horstman teaching that PM 103 is a tamper resistant module. A tamper resistant module, as the term is understood by those of ordinary skill in the art, is a module having tamper resistant measures applied to the module to reduce the likelihood the module can be tampered with. Horstman merely teaches PM 103 is employed to protect executable 101, to

ensure execution of executable 101 is licensed. Horstman did not teach or suggest protecting PM 103, in particular, tamper resisting PM 103.

In rejecting claims 1 and 29, the Examiner also asserted that Horstman teaches the "plain text digital content rendering modules" of claims 1 and 29. Applicants also respectfully disagree.

The Examiner based her rejections on Horstman's teachings in col. 5, lines 54-59. In the referenced passage Horstman merely further described PM 103 as having various running code implementing the various protection schemes selected for a particular embodiment of PM 103, i.e. the software binding, application binding and hardware binding discussed earlier. Horstman did not teach or suggest equipping these code threads of PM 103 to render digital content as claims 1 and 29 require of the recited "plain text digital content rendering module".

Further, the running code described in col. 5, lines 54-59 are internal to PM 103, whereas the plain meaning of the language of claim 1 requires the tamper resistant digital content recovery module and the hierarchy of plain text digital content rendering modules to be separate modules. The language of claim 1 calls for the former to be tamper resistant and the latter to be plain text. A module cannot be tamper resistant and plain text at the same time. The language of claim 1 also calls for the root one of the hierarchy to exclusively receive recovered digital content from the recovery module. Therefore, the running code of PM 103 cannot be read as having taught or suggested the "plain text digital content rendering modules" of claims 1 and 29.

Thus, for at least the foregoing reasons, even if the Examiner's reading of M2 Presswire is correct, the combination of Horstman and M2 Presswire, nonetheless, does not teach or suggest the apparatus of claims 1 and 29.

Claims 2-28 and 30-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Horstman, M2 Presswire and Graunke (5,991,399) combined.

Graunke does not remedy the earlier described deficiencies of Horstman and M2 Presswire. Therefore, claims 1 and 29 remain patentable over Horstman and M2 Presswire even when combined with Graunke.

Claim 12 is claim 1 in method form. Therefore, for at least the same reasons discussed earlier, claim 12 is patentable over Horstman, M2 Presswire and Graunke combined.

Claims 18 and 25 include the same "plain text digital content rendering modules" of claims 1 and 29. Therefore, for at least the same reasons, claims 18 and 25 are patentable over Horstman and M2 Presswire combined.

Graunke does not remedy the earlier described deficiencies of Horstman and M2 Presswire. Therefore, claims 18 and 25 remain patentable over Horstman and M2 Presswire even when combined with Graunke.

Claims 2-10, 13-17, 19-24, 26-28 and 30-32 depend from either claim 1, 12, 18, 25 or 29, incorporating their recitations respectively. Thus, for at least the earlier described reasons, claims 2-10, 13-17, 19-24, 26-28 and 30-32 are patentable over Horstman, M2 Presswire and Graunke combined.

Claims 2-10, 13-17, 19-24, 26-28 and 30-32 include additional recitations rendering them further patentable over Horstman, M2 Presswire and Graunke combined. For example,

- Claims 2, 13, 15, 16, 17 and 30 recite having the tamper resistant digital content recovery module verifying the root module of the plain text digital content recovery module hierarchy is not compromised, before providing the root module with recovered digital content or at initialization; and

- Claims 5, 14, 16, 17, 19, 20, 27, 28 and 31 recite having a plain text digital content recovery module verifying another immediately downstream plain text digital content recovery module as not having been compromised, before providing the root module with recovered digital content or at initialization.

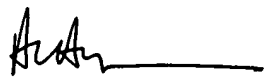
CONCLUSION

In light of the above amendments and remarks, Applicants submit claims 1-33 are in condition for allowance. Early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: March 8, 2006



Al AuYeung
Registration No. 35,432

Pacwest Center, Suites 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981